REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on March 23, 2006, and the references cited therewith. In the Office Action, claims 1-21 and 23-37 were examined. Claims 1-21, 23, 25-35, and 37 were rejected. Claims 22 and 38 were previously cancelled. Claims 24 and 36 were objected to. New claims 39-76 were added.

Claims 39-76 are cancelled and new claims 77-104 have been added. For examiner's convenience, claims 77-104 correspond substantially to claims 39-76. The new claims do not contain new matter.

102 Rejection of the Claims

Original Claims 1-11, 13, 17-21, 23, and 25-35 were rejected under 35 USC §102(b) as being anticipated by Roberts, et al., (U.S. Patent No.: 6,01,088, hereinafter "Roberts"). Applicant asserts that each and every element of claims 77-104 are not taught by Roberts, and thus respectfully requests the withdrawal of this rejection in light of the new claims.

Independent claim 77 states that the combination of electropositive material, electronegative material, conductor, and ionic fluid form a circuit capable of creating a current in the absence of an additional power source. Roberts does not teach this. Roberts requires a power source and thus teaches away from the use of an electro positive electrode and an electro negative electrode that form and act as a battery *absent* an additional power source.

Claim 91 states that the first and second electrode are configured as part of the same housing. This claim is supported by Figures 2 and 3. Roberts teaches two probes or electrodes that are positioned separately. Applicant's device contemplates a unitary device where both electrodes are implanted beneath the skin. See Figures 2-4. Roberts does not teach a unitary housing containing both electrodes.

Claim 95 states that an ion exchange member configured to conduct a current is required in Applicant's electrotransport device. This claim limitation is supported in paragraphs 53 and 63 of Applicant's application. Roberts does not teach an ion exchange member configured to conduct a current. Roberts mentions a dialysis membrane. Dialysis works on the principle of diffusion of solutes along a concentration gradient. See http://www.answers.com/dialysis, incorporated herein by reference. Dialysis membranes separate smaller molecules from larger

molecules. Applicant teaches an ion exchange membrane where ions exchange that works under electrical current or potential, not concentration gradients. Accordingly, Roberts does not teach the limitations of claim 95.

Claim 96 states that a pair of electrodes are positioned a fixed distance from each other. This claim limitation is supported in Figures 2 and 3. Roberts teaches two probes or electrodes. See Roberts Figures 3A-3C. Roberts teaches the independent placement of two separate electrodes. Applicant teaches the implanting of both electrodes as part of a single device. The device in some embodiments fixes the electrodes at a certain distance from each other. Roberts teaches away from this concept.

Claim 104 states the use of electropositive and electronegative material for its electrodes and for the reasons set forth above in connection with the Claim 77 discussion, Roberts does not anticipate claim 104. Additionally, Claim 104 states that the electrodes are configured on a single housing. For the reasons set forth above in connection with Claim 91, Roberts does not anticipate claim 104.

Claim 105 states a method step where both the electrodes and the membrane are implanted in their entirety beneath the subject's stratum corneum skin layer. This limitation is supports by Figures 2 and 3 of Applicant's application. Applicant's device is wholly implantable. Roberts' device cannot be wholly implantable. Thus, Roberts teaches away from implanting the entire device and does not anticipate this claim.

Claim 112 states the use of complementary electropositive and electronegative electrodes that forms a battery in fluid absent an additional power source. Additionally, claim 112 states the both electrodes are on a unitary housing. Thus, Roberts does not anticipate claim 112.

Roberts fails to teach each and every element of Applicant's independent claims. Accordingly, Roberts fails to anticipate all the claims of the instant application, and Applicant respectfully requests the withdrawal of this rejection.

103 Rejection of the Claims

Since Roberts fails to teach each and every element of claims 77 through 114, and since Haak and Theeuwes were cited for their teachings of control circuits and carbon electrodes,

respectfully, Applicant asserts that this rejection is unsupported and requests that the Examiner reconsider his Section 103 rejection.

Conclusion

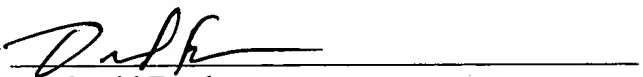
Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. Applicant again thanks Examiner for the personal interview on May 31, 2006 to further discuss the application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3586

Respectfully submitted,

Ashok V. Joshi

By his Representative,

Date August 7, 2006 By 

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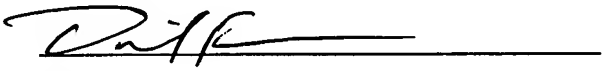

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